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C O N F I D E N T I A L OSLO 000410

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SENSITIVE

EUR/NB (MMCDOWELL), PLEASE PASS TO DEPARTMENT OF COMMERCE
(PDYCK, LMARKOWITZ, CPETERS), USTR (JBUNTIN), DEPARTMENT OF
JUSTICE (JZACHARIA)

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TAGS: [ECON](#) [ETRD](#) [KIPR](#) [NO](#)
SUBJECT: SPECIAL 301- NORWAY

REF: A. STATE 43159
[1](#)B. OSLO 1039

Classified By: DCM Kevin M. Johnson, Reasons 1.4 (b) and (d)

[1](#)1. (SBU) On April 25 Reftel A points were delivered to MFA U.S. Liaison Morten Aasland and the Ministry of Trade and Industry's Industrial Development and Industrialization section Director General Jan Farberg and Deputy Director General Ola Andreas Lindeman. (Note: Morten Berg, the Trade Ministry liaison handling the pharmaceutical matter, has been taken off this issue).

[1](#)2. (SBU) Noting the designation with regret, the Trade Ministry team admitted that this issue has been brought up frequently by Post, many USG agencies and private industry. Farberg commented that the GON will look thoroughly as to how this problem should be dealt with. We raised the February 2008 letter from Commerce DAS Dyck to Deputy Trade Minister Rikke Lind, where the DAS outlined his disappointment over the lack of Norwegian follow-up on this issue. (Note: We asked that a GON response should specifically explain why a regulatory fix, similar to that accomplished in Finland, would not be possible). He pledged that a response letter to DAS Dyck was forthcoming.

[1](#)4. (C) While we reiterated the pharma issue's importance was evidenced by the Watch List designation, Lindeman focused on how the issue should fit into the parameters of future Informal Commercial Exchange (ICE) Talks. He mentioned that the ICE talks may "create expectations that cannot be filled." (Per Reftel B, Deputy Minister Lind proposed direct dialogue between the USG and GON on the pharma issue during

the 2007 ICE talks, which have only sporadically occurred due to GON intransigence, with no resolution). Lindeman proceeded to move away from the pharma issue, and concentrate on the mechanics of the post-ICE action plan, including a broad discussion as to which issues were left outstanding. He stressed the desire to highlight successes in open-ended ICE action plan items. While he spoke of removing the pharma issue from the action plan list, we reminded him that the pharma issue was important, and needed to be addressed in some forum--as demonstrated by today's demarche. (Note: Lindeman briefly raised the GON's concerns on salmon market access, a long-standing trade hurdle, without clarifying whether, per Reftel B, solution of that issue was linked to resolution of the pharma dispute).

[1](#)5. (C) Comment. Discussions with the Trade Ministry revealed GON disappointment, but Lindeman and Farberg attempted to move the conversation to a broader discussion of the ICE action plan and format, indicating an urge to note successes. In this sense, the GON curiously did not want to

spend much time on the topic. When we raised the Finnish regulatory "fix," both were unaware as to how other European countries had similarly corrected pharma loopholes, something which has been repeatedly pointed out to them and their colleagues over the last several years by industry. An informal discussion with Lindeman also revealed his intention to firm up the 2008 ICE process, ensuring that the 301 Watch List designation would be dealt with this calendar year, and not in 2009. Berg's dismissal as the point person on this matter could be interpreted as a telling sign from the GON, whose unresponsiveness to repeated USG and private industry attempts to fix this problem culminated in the Watch List designation.

WHITNEY